

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN OF TEXAS  
FORT WORTH DIVISION**

<b>AARON HIRSCH, individually and on behalf of all others similarly situated,</b>	:	
	:	
	:	
<b>Plaintiff,</b>	:	
	:	
<b>v.</b>	:	<b>Civil Action No. 4:18-cv-245-Y</b>
	:	
<b>USHEALTH ADVISORS, LLC and USHEALTH GROUP, INC.,</b>	:	
	:	
	:	
<b>Defendants.</b>	:	

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**PLAINTIFF/COUNTERCLAIM DEFENDANT’S  
MOTION TO DISMISS COUNTERCLAIMS**

Pursuant to Fed. R. Civ. P. 12(b)(6) and 9(b), Plaintiff-Counterclaim Defendant Aaron Hirsch (“Plaintiff”) respectfully moves to dismiss the Counterclaims (Dkt. 43) filed by Defendant-Counterclaim Plaintiff USHealth Advisors, LLC (“USHA”) and USHealth Group, Inc.’s (“USHG”) (collectively, “USHealth”).<sup>1</sup> For the all of the reasons set forth in the accompanying memorandum of law filed in support of this Motion, Plaintiff respectfully requests that this Court dismiss Defendants’ Counterclaims with prejudice, and award Plaintiff attorney fees and costs against Defendants for their vexatious filing that has led to wasteful motion practice.

A proposed form of Order is submitted herewith.

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<sup>1</sup> For clarity, Aaron Hirsch is identified in both the operative Amended Class Action Complaint (Dkt. 42) and Defendants’ Answer and Counterclaim thereto (Dkt. 43) as the “Plaintiff”, and USHealth as the “Defendants.”

Dated: May 10, 2019

Respectfully submitted,

*/s/ Max Maccoby*

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 10th day of May, 2019, I electronically filed the foregoing PLAINTIFF/COUNTERCLAIM DEFENDANT'S MOTION TO DISMISS COUNTERCLAIMS with the Clerk of Court by using the CM/ECF system which will send a notice of electronic filing to all persons registered on the CM/ECF system for this matter.

/s/ Max Maccoby  
Max Maccoby